ORDINANCE NO. 2026-01-003

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF MCKINNEY, TEXAS, BY AMENDING CHAPTER 26, "ANIMAL CONTROL," BY AMENDING SECTION 26-1, "DEFINITIONS," SECTION 26-11, "NUMBER OF DOGS AND CATS AT RESIDENCES," SECTION 26-14, "RESTRAINT OF ANIMALS," SECTION 26-33, "RABIES VACCINATION TAG SERVES AS CITY REGISTRATION," AND SECTION 26-34, "RABIES VACCINATION" TO ESTABLISH CERTAIN DEFENSES FOR THE KEEPING OF FERAL CATS UNDER A TRAP-NEUTER-RELEASE PROGRAM; PROVIDING A PENALTY; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of McKinney, Texas (the "City") is a Home Rule City possessing the full power of local self-government pursuant to Article 11, Section 5 of the Texas Constitution, Section 51.072 of the Texas Local Government Code, and the City's Home Rule Charter; and

WHEREAS, Trap-Neuter-Release or Trap-Neuter-Return ("TNR") programs are a humane method to control feral cat populations by humanely trapping feral cats, having them vaccinated, sterilized (spayed or neutered), ear-tipped for identification, and then returning them to the place they were found; and

WHEREAS, certain provisions of the Code of Ordinance of the City of McKinney, Texas ("City Code") would currently prohibit a person from participating in a TNR program within the City's corporate limits; and

WHEREAS, the City Council finds that the adoption of certain defenses to the regulations contained in the City Code relating to the keeping of feral cats under a TNR program is in the best interest of the health, safety and welfare of the citizens of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, THAT:

Section 1. All of the above premises are found to be true and correct legislative determinations and are hereby incorporated into the body of this Ordinance as if copied in their entirety.

Section 2. From and after the effective date of this Ordinance, Chapter 26, "Animal Control," Article I, "In General," Section 26-1, "Definitions," of the Code of Ordinances of the City of McKinney, Texas, is hereby amended by adding the following terms and definitions to the existing list of definitions contained in said section:

"**ARTICLE I. – IN GENERAL**

Sec. 26-1. Definitions.

…

Feral Cat means any homeless, wild, or untamed cat.

…

Trap-Neuter-Release Program means a nonlethal population control practice in which a feral cat is:

(1) trapped;

(2) within 30 days of being trapped:

(a) evaluated by a licensed veterinarian;

(b) if not vaccinated in accordance with Article V, vaccinated by a licensed veterinarian;

(c) if unsterilized, sterilized by a licensed veterinarian; and

(d) marked by a licensed veterinarian, whether by notching or tipping one ear or otherwise; and

(3) returned to the original trap location within forty-eight (48) hours of the feral cat being evaluated, treated and released by the licensed veterinarian."

Section 3. From and after the effective date of this Ordinance, Chapter 26, "Animal Control," Article I, "In General," of the Code of Ordinances of the City of McKinney, Texas, is hereby amended by amending Section 26-11, entitled "Number of Dogs and Cats at Residences," to hereafter read as follows:

"Sec. 26-11. - Number of dogs and cats at residences.

(a) No residence within the city shall house more than four dogs and four cats over the age of three months.

(b) In determining the number of cats housed within a residence under subsection (a) of this section, the animal control manager shall not count any feral cat participating in a trap-neuter-release program."

Section 4. From and after the effective date of this Ordinance, Chapter 26, "Animal Control," Article II, "Restraint of Animals," of the Code of Ordinances of the City of McKinney, Texas, is hereby amended by amending Section 26-14, entitled "Restraint of Animals," to hereafter read as follows:

"Sec. 26-14. - Restraint of animals.

(a) It shall be unlawful for an owner or person in control of an animal to fail to keep the animal under restraint as defined in this chapter.

(b) It shall be unlawful for an owner to fail or refuse to control, restrain, or otherwise allow, either by conduct, omission, or condition of premises, his or her animal to become a public nuisance by being at large or running at large.

(c) It shall be unlawful for a person to use a chain, rope, tether, leash, cable, or other device to attach a dog to a stationary object or trolley system.

(d) It is an affirmative defense to a violation of subsections (a) and (b), above, that the animal was a feral cat participating in a trap-neuter-release program.

(e) It is an affirmative defense to a violation of subsection (c), above, that the dog tethering:

(1) Is during a lawful animal event, veterinary treatment, grooming, training, or law enforcement activity;

(2) Is required to protect the safety or welfare of a person or the dog, and the dog's owner maintains direct physical control of the dog; or

(3) Occurs on the owner's premises and:

a. While the dog is within the owner's direct physical control; and

b. Prevents the dog from advancing to within 15 feet of the edge of any public street.

(f) The affirmative defenses provided in subsection (e), above, are only available if the following elements are met:

(1) The chain, rope, tether, leash, cable, or other device is attached to a properly fitted collar or harness worn by the dog;

(2) The chain, rope, tether, leash, cable, or other device is not placed directly around the dog's neck;

(3) The chain, rope, tether, leash, cable, or other device does not exceed 1/20 of the dog's body weight;

(4) The chain, rope, tether, leash, cable, or other device, by design and placement allows the dog a reasonable and unobstructed range of motion without entanglement, and

(5) The dog has access to adequate shelter and clean and wholesome water.

(g) A person commits an offense if the person fails to comply with this section. If a person fails to comply with this section with respect to more than one animal, the person's conduct with respect to each animal constitutes a separate offense.

(h) This section does not prohibit a person from walking a dog with a hand-held leash no more than six feet in length and of sufficient strength to control the dog."

Section 5. From and after the effective date of this Ordinance, Chapter 26, "Animal Control," Article IV, "Dog and Cat Licenses," of the Code of Ordinances of the City of McKinney, Texas, is hereby amended by amending Section 26-33, entitled "Rabies Vaccination Tag Serves as City Registration," to hereafter read as follows:

Sec. 26-33. - Rabies vaccination tag serves as city registration.

(a) A current rabies vaccination tag shall serve as an animal's city registration.

(b) The rabies certificate must be supplied, upon request, to an animal control officer, a peace officer, or the local rabies control authority.

(c) A current rabies vaccination tag must be affixed to a collar or harness that must be worn by the dog, cat, or ferret at all times.

(d) Vaccination certificates and tags shall be valid only for the animal for which the certificate or tag was originally issued.

(e) A person commits an offense if the person violates a provision of this section or permits an animal owned by the person or under the person's control to be in violation of a provision of this section.

(f) It is an affirmative defense to a violation of this section that the animal was a feral cat participating in a trap-neuter-release program."

Section 6. From and after the effective date of this Ordinance, Chapter 26, “Animal Control,” Article V, “Rabies Control,” of the Code of Ordinances of the City of McKinney, Texas, is hereby amended by amending Section 26-34, entitled “Rabies Vaccination,” to hereafter read as follows:

“Sec. 26-34. - Rabies vaccination.

(a) Vaccinations required.

(1) A person who owns, keeps, harbors or has custody of a dog, cat, or ferret over four months of age must have said animal immunized against rabies by injection of anti-rabies vaccine by a veterinarian validly licensed in Texas or in another jurisdiction.

(2) The same animal must receive a booster within the 12-month interval following the animal's initial vaccination, or such interval as provided by state law; and the same animal must be revaccinated against rabies at a minimum of at least once every three years with a rabies vaccine licensed by the department of agriculture, or at such interval as provided by state law.

(3) A person commits an offense if the person owns, keeps, harbors, or has custody of a dog, cat, or ferret that has not been immunized against rabies as required by this section.

(4) It is an affirmative defense to a violation of subsection (a)(3), above, that the person was harboring a feral cat participating in a trap-neuter-release program and said feral cat was vaccinated in accordance with this Article within 30 days of being trapped.

(b) Every owner of a dog, cat, or ferret immunized against rabies shall procure a rabies vaccination certificate from the veterinarian administering the vaccine.

(c) The provisions restricting the use and sale of rabies vaccine for animals as set forth in the state statute enacting the "Rabies Control Act of 1981" are hereby adopted by reference, as contained in Chapter 826 of the Tex. Health and Safety Code, a copy of which is on file in the office of the city secretary, and as amended from time to time.

(d) It shall be unlawful for a person to administer, sell, or distribute rabies vaccine for animals in a manner not authorized by section subsection (c), above.”

Section 7. Any person, firm or corporation violating or failing to comply with any of the provisions of this Ordinance shall be subject to the penalty provisions set forth in Section 1-18 of the City’s Code of Ordinances; and each and every day such violation or failure to comply shall continue shall be deemed to constitute a separate offense.

Section 8. This Ordinance shall be cumulative of all other ordinances of the City and shall not repeal any of the provisions of said ordinances except in those instances where provisions of those ordinances are in direct conflict with the provisions of this Ordinance and such ordinances shall remain intact and are hereby ratified, verified and affirmed.

Section 9. If any section, article, paragraph, sentence, clause, phrase or word in this Ordinance, or application thereof to any person or circumstance, is held

invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of the Ordinance, and the City Council hereby declares it would have passed such remaining of the Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

Section 10. The Caption of this ordinance shall be published one (1) time in a newspaper having general circulation in the City of McKinney, Texas and shall be effective immediately upon its passage and publication.

PASSED, APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ON THIS 6TH DAY OF JANUARY, 2026.

CITY OF MCKINNEY, TEXAS

_____
BILL COX, Mayor
GERÉ FELTUS, Mayor Pro Tem

ATTEST:

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EMPRESS DRANE, City Secretary
TENITRUS PARCHMAN, Deputy City Secretary

APPROVED AS TO FORM:

_____
MARK S. HOUSER, City Attorney
ALAN LATHROM, Assistant City Attorney